

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Review Item:

702 KAR 7:065, Designation of Agent to Manage High School Interscholastic Athletics and Revisions in Kentucky High School Athletic Association (KHSAA) Bylaws

Applicable Statute or Regulation:

KRS 156.070
702 KAR 7:065
KHSAA Bylaws

History/Background:

Existing Policy. 702 KAR 7:065 (included as attachment “A”) designates the KHSAA as the entity to manage interscholastic athletics.

This regulation also requires that the Association conduct a biennial review of its Constitution and Bylaws, and such was done during the 2010-2011 school years by the KHSAA Board of Control.

The proposed changes from the KHSAA membership that received the requisite 2/3 vote (included as attachment “B”) reflect items that were presented at the Association’s September 22nd Annual Meeting. Items considered at the Annual Meeting are submitted both by the Board of Control as part of its annual Constitution and Bylaws review, and by the member schools, and are reviewed by the Board of Control prior to the development of the final agenda. At the 2011 annual meeting of the member schools, 233 schools were present; therefore, all proposals required 156 affirmative votes for passage. In accordance with the KHSAA Constitution and Policies and Procedures as well as the requirements of 702 KAR 7:065, any amendment receiving the requisite vote of the membership is to be considered by the Board of Control and a recommendation made to the Kentucky Board of Education for further action.

In accordance with these procedures, the following amendments to the KHSAA Bylaws were approved by the listed votes. These amendments will be considered by the Local Superintendents Advisory Council at its meeting on November 29, and have been considered by the Board of Control (BOC) of the KHSAA for implementation during the 2012-13 school year unless otherwise noted. The proposals received the requisite vote of the Board of Control.

Proposal	Author	Purpose	Vote	BOC
2011-1	KHSAA Board of Control	A proposal to revise Bylaw 6 and 7 to clarify the applicability of each rule between domestic and foreign students. IMPACT: Technical and Procedural Rationale – This proposal would make clear the applicability of Bylaw 6 and 7 to students who enter the United States for a variety of reasons. This has been an unclear detail causing confusion to school administrators seeking rulings and answers.	227 yes, 3 no, 0 abstained 3 present	Adopted by the Board of Control

Proposal	Author	Purpose	Vote	BOC
2011-2	KHSAA Board of Control	A proposal to revise Bylaw 6 to codify within the rule, existing Due Process Interpretations. IMPACT: Technical and Minimal Impact Rationale – This proposal would add the ability of a student to return from a boarding school to the existing boarding school exception. In various Due Process cases, this has been the interpretative action; however, it was not coded as such in the rule. The procedure also makes a housekeeping adjustment to ensure School-Based Decision Making Authority as it relates to discipline and penalty and removes uncertainty as to the requirement.	225 yes, 5 no, 0 abstained 3 present	Adopted by the Board of Control
2011-3	KHSAA Board of Control in compliance with recommendation from the Program Review Committee of the Kentucky General Assembly	A proposal to revise the Divorce exception within the allowable exceptions for waiver of the one-year period of ineligibility under Bylaw 6 to include a properly recorded legal separation issued by a court of competent jurisdiction. IMPACT: Regulatory Rationale – This proposal would add a properly recorded legal separation to the divorce exception. Through the Program Review Committee discussions, the time required for a divorce to be final often precludes students, impacted through no fault of their own, from participation in one or more sports seasons. With the increasing move toward mediation and “cooling off” periods in divorce filings, this appears to be a means of addressing the needs of the students while requiring an official action from a court of competent jurisdiction, not just parental agreement.	190 yes, 40 no, 0 abstained 3 present	Adopted by the Board of Control
2011-4	KHSAA Board of Control in compliance with recommendation from the Program Review Committee of the Kentucky General Assembly	A proposal to add the dropping of a sport as a reason for a transferring student to be given an exception to the one-year period of ineligibility. IMPACT: Minimal Cases in Past Rationale – This proposal adds the dropping of a student’s sport as a reason for waiving the one-year period of ineligibility.	206 yes, 21 no, 2 abstained 4 present	Adopted by the Board of Control
2011-5	KHSAA Board of Control in compliance	A proposal to change the automatic eligibility after one-year provision to specify a calendar year from last participation as opposed to a	225 yes, 4 no, 0	Adopted by the Board of Control

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	with recommendation from the Program Review Committee of the Kentucky General Assembly	school year. IMPACT: Technical and Regulatory Rationale – This proposal would clarify a potential inequity in the current year for students who participate very early in a fall sport, then remain at the sending school, before transferring at a later time. In some cases, the student may then be required to sit out more than a calendar year simply due to participation timing, and this was viewed as inequitable by the Program Review Committee.	abstained 4 present	
2011-6	KHSAA Board of Control	A proposal to remove the conduct provisions from Bylaw 9. IMPACT: Minimal Rationale – This proposal would remove from state rules and return to local jurisdiction, student conduct issues. This particular provision is arguably unenforceable at the state level as only the local school authorities are aware of the particulars in a given matter, and it should be local school authority to manage this.	222 yes, 5 no, 2 abstained 4 present	Adopted by the Board of Control
2011-7	KHSAA Board of Control	A proposal to move key provisions of restrictions on undue influence (recruiting) from case situation status to the actual rule. IMPACT: Significant Rationale – KHSAA Bylaws carry the force of state regulation (being incorporated by reference in 702 KAR 7:065). However, the case situations are only able to “explain” the rules, not create new code. In the past few years, review and investigations into allegations of Bylaw 10 violations illustrate that the rule itself needs to be strengthened. In that manner, the explanations in the case situations can be upheld, and the membership expectation of enforcement can be accomplished. The rule is designed not only to prevent issues with non-enrolled students, but to keep disproportionate benefits from being provided to certain athletes to keep them enrolled. This clarity is essential.	223 yes, 7 no, 0 abstained 3 present	Adopted by the Board of Control
2011-8	KHSAA Board of Control	A proposal to implement a limitation of seasons for Bowling. IMPACT: Significant, but only to competing schools Rationale – This proposal would codify a limitation of seasons for Bowling as the newest sanctioned Sport Activity.	217 yes, 4 no, 8 abstained 4 present	Adopted by the Board of Control

Proposal	Author	Purpose	Vote	BOC
2011-9	KHSAA Board of Control	<p>A proposal to allow an earlier start of play for baseball and softball.</p> <p>IMPACT: Impact is optional and discretionary as schools are not required to play earlier</p> <p>Rationale – This proposal would allow baseball and softball schools to begin play on the Wednesday of the first state tournament starting in 2014 (the Board has already addressed 2012 and 2013). This change would ensure that with the advent of revised testing and testing windows, including end-of-course assessments, schools would still have time to get the limit of games played even if testing forced cancellation of playing opportunities. In addition, the change lines up the schedule teams can play with the schedules of other states, and ensures that schools on alternative calendars with earlier spring breaks have the same scheduling opportunities. It is also anticipated that this proposal will help by allowing schools to play a few games early and prevent widespread issues when inevitable spring rain-outs occur. Last, this change allows for a spacing out of the schedule so that the priorities of academics, testing and the school year's completion aren't overshadowed by play nearly every single day in these sports in order to reach the allowable game limit. The change also eliminates the outdated and unneeded language related to slow-pitch softball.</p>	190 yes, 39 no, 0 abstained 4 present	Adopted by the Board of Control
2011-10	KHSAA Board of Control	<p>A proposal to allow an earlier start of play for tennis.</p> <p>IMPACT: Significant, as failure to pass this proposal will result in shortening of tennis season</p> <p>Rationale – This proposal would allow tennis schools to begin play in the Wednesday of the first state tournament starting in 2014 (the Board has already addressed 2012 and 2013). This change ensures a consistent length of season with the decision to move the championships in tennis to an earlier week to accommodate testing. This change also would ensure that with the advent of revised testing and testing windows, including end-of-course assessments, schools would still have time to get the limit</p>	194 yes, 27 no, 8 abstained 4 present	Adopted by the Board of Control

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		of games played even if testing forced cancellation of playing opportunities. In addition, the change lines up the schedule teams can play with the schedules of other states, and ensures that schools on alternative calendars with earlier spring breaks have the same scheduling opportunities. It is also anticipated that this proposal will help by allowing schools to play a few games early and prevent widespread issues when inevitable spring rain-outs occur. Last, this change allows for a spacing out of the schedule so that the priorities of academics, testing and the school year's completion aren't overshadowed by play nearly every single day in these sports in order to reach the allowable game limit.		
2011-11	Marshall County High School and Somerset High School	A proposal to allow an earlier start of play for golf. IMPACT: Minimal, but only to golf schools Rationale – This proposal would allow golf schools an additional three days of play, including a critical weekend, which is becoming more and more necessary to allow for the schedule of matches to be played.	216 yes, 14 no, 0 abstained 3 present	Adopted by the Board of Control
2011-12	KHSAA Board of Control	A proposal to make housekeeping amendments to Bylaw 27 to reflect the merging of the Sports Safety Course and the Medical Symposiums, and to make the requirements for all coaches the same in all sports. IMPACT: Technical Rationale – This proposal would consolidate the language requiring the Sports Safety Course and the Medical Symposium. This combination by the Kentucky Medical Association (KMA) has allowed for a consistent delivery system where coaches only have one required medical training. This is required of ALL coaches, head and assistant, paid and unpaid, and at any high school level (freshman, JV and varsity). With the movement to online rules clinics, it is a simple process to also require assistant coaches to participate in the rules clinic. This allows athletic directors and other administrators to have one set of requirements for ALL coaches, and allows all coaches to be informed and educated as to playing rules and policies. The medical courses and rules clinics are both delivered	228 yes, 1 no, 0 abstained 4 present	Adopted by the Board of Control

Proposal	Author	Purpose	Vote	BOC
		online and at no charge to the membership, without the burden of additional travel costs regardless of school location.		

The staff of the KHSAA certifies that the Board of Control has taken action on these items as documented by the minutes of Board of Control meetings.

Groups Consulted and Brief Summary of Responses:

KHSAA Board of Control
KHSAA Annual Meeting Delegate Assembly
Local Superintendents Advisory Council

The first two groups have concurred and approved the revisions. The Local Superintendents Advisory Council will provide feedback at its November meeting that will be reported to the board.

Impact on Getting to Proficiency:

Athletics contribute to the overall physical health of students and therefore affect their ability to perform academically.

Contact Person:

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Recommending Contact Person

Commissioner of Education

Date:

December 2011